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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/567,316

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Michael Dennis Hardwick

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EXAMINER

SHECHTMAN, SEAN P

ART UNIT

PAPER NUMBER

2125

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/567,316

Applicant(s)

HARDWICK, MICHAEL DENNIS

Examiner

Sean P. Shechtman

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2/6/06.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-19 are presented for examination.

***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6, 11-18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,385,297 to Rein et al (hereinafter referred to as Rein), supplied by applicant.

Referring to claim 1, Rein teaches a control system for controlling apparatus remotely in response to a variable which is independent of the system and has a changing value, which system comprises a sensor to sense the value of the variable (Fig. 2, element 58, Col. 8, lines 27-38), a radio transmitter associated with the sensor and operative to transmit a control signal representative of the sensed value of the variable (Fig. 2, element 65, Col. 9, lines 6-20), a radio receiver associated with the controlled apparatus and operative to receive the control signal (Fig. 2, element 66, Col. 9, lines 21-56), and a controller operative by receipt of the control signal to control the apparatus according to the value of the variable (Fig. 2, element 68, Col. 10, lines 24-39, Col. 12, lines 21-38).

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2. A control system as claimed in claim 1 wherein the controller is operative to change a parameter of the controlled apparatus as the value of the variable changes (Col. 10, lines 55-68).
3. A control system as claimed in claim 2 wherein the controller is operative to change said parameter proportionately as the value of the variable changes (Col. 11, lines 1-5).
4. A control system as claimed in claim 2 wherein said parameter is changed in direct relation to the value of the variable (Col. 10, lines 55-68).
5. A control system as claimed in claim 2 wherein said parameter is changed in inverse relation to the value of the variable (Col. 14, lines 17-24; Col. 17, lines 29-38).
6. A control system as claimed in claim 5 wherein the controlled apparatus comprises at least one lamp of which said parameter is the light output thereof (Col. 14, lines 17-24; Col. 7, line 64 – Col. 8, line 8).
11. A control system as claimed in claim 5 wherein the variable is ambient temperature (Col. 14, lines 17-24).
12. A control system as claimed in claim 11 wherein the apparatus comprises at least one heater of which said parameter is heat output from the heater (Col. 14, lines 17-24).
13. A control system as claimed in claim 12 wherein the sensor comprises a thermometer and the system is arranged to increase the heat output from the heater as ambient temperature at the thermometer decreases (Col. 17, lines 16-38).
14. A control system as claimed in claim 2 wherein said parameter is changed in a plurality of steps (Col. 18, lines 19-51).
15. A control system as claimed in claim 1 including a plurality of said sensors (Fig. 4, element 58).

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16. A control system as claimed in claim 1 including a plurality of said controllers (Fig. 4, element 68).

17. A control system as claimed in claim 15 wherein at least one controller is operative in response to control signals from more than one sensor (Fig. 4, Col. 12, lines 39-53; Col. 14, lines 24-57).

18. A control system as claimed in claim 17 wherein at least one controller is arranged to operate in one of switching the controlled apparatus on and increasing the output of the controlled apparatus, in response to a control signal from one said sensor and is arranged to operate in one of switching the controlled apparatus off and decreasing the output of the controlled apparatus, in response to a control signal from another said sensor (Col. 14, lines 17-24; Col. 17, lines 3-15, Col. 17, lines 38-45).

4. Claims 1-10, 14-18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,455,487 to Mix et al (hereinafter referred to as Mix), supplied by applicant.

Referring to claim 1, Mix teaches a control system for controlling apparatus remotely in response to a variable which is independent of the system and has a changing value, which system comprises a sensor to sense the value of the variable (Fig. 1, element 100; Col. 3, lines 25-33), a radio transmitter associated with the sensor and operative to transmit a control signal representative of the sensed value of the variable (Fig. 2, element 210; Col. 3, lines 45-50), a radio receiver associated with the controlled apparatus and operative to receive the control signal (Fig. 3, element 300; Col. 5, lines 14-18), and a controller operative by receipt of the control signal to control the apparatus according to the value of the variable (Col. 3, lines 34-44).

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2. A control system as claimed in claim 1 wherein the controller is operative to change a parameter of the controlled apparatus as the value of the variable changes (Col. 4, lines 1-6).
3. A control system as claimed in claim 2 wherein the controller is operative to change said parameter proportionately as the value of the variable changes (Col. 2, lines 33-38).
4. A control system as claimed in claim 2 wherein said parameter is changed in direct relation to the value of the variable (Col. 2, lines 33-38).
5. A control system as claimed in claim 2 wherein said parameter is changed in inverse relation to the value of the variable (Col. 4, lines 7-21; Col. 6, lines 39- Col. 7, line 6).
6. A control system as claimed in claim 5 wherein the controlled apparatus comprises at least one lamp of which said parameter is the light output thereof (Col. 3, lines 34-44).
7. A control system as claimed in claim 6 wherein the variable is ambient light and the sensor comprises a photometer, the system being arranged to increase the light output from the lamp as incident light on the photometer decreases (Col. 6, lines 5-16; Col. 6, lines 39-58).
8. A control system as claimed in claim 6 wherein the sensor senses the presence of a person and the system is arranged to operate in at least one of switching the lamp on and increasing the light output from the lamp, when the presence of a person is detected (Col. 3, lines 51-61).
9. A control system as claimed in claim 7 including a timer operative in at least one of switching the lamp off and reducing the light output from the lamp, a predetermined period after the time when the presence of a person is last sensed (Col. 4, lines 7-21).
10. A control system as claimed in claim 6 wherein the controller comprises an adjustable ballast (Col. 8, lines 30-46).

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14. A control system as claimed in claim 2 wherein said parameter is changed in a plurality of steps (Col. 6, lines 59 – Col. 7, lines 6).

15. A control system as claimed in claim 1 including a plurality of said sensors (Col. 6, lines 39-58).

16. A control system as claimed in claim 1 including a plurality of said controllers (Col. 7, lines 58-62; Col. 9, lines 17-42).

17. A control system as claimed in claim 15 wherein at least one controller is operative in response to control signals from more than one sensor (Col. 6, lines 59 - Col. 7, line 6).

18. A control system as claimed in claim 17 wherein at least one controller is arranged to operate in one of switching the controlled apparatus on and increasing the output of the controlled apparatus, in response to a control signal from one said sensor and is arranged to operate in one of switching the controlled apparatus off and decreasing the output of the controlled apparatus, in response to a control signal from another said sensor (Col. 2, lines 33-38; Col. 6, lines 59 - Col. 7, line 6).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rein or Mix as applied to claim 1 above, and further in view of U.S. Pat. No. 6,522,954 to Kummerer et al (hereinafter referred to as Kummerer).

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Rein or Mix teaches all of the limitations set forth above, however fails to teach at least one control signal is a radio signal in the 868 MHz band.

However, Kummerer teaches a control system wherein at least one control signal is a radio signal in the 868 MHz band (Col. 5, lines 10-22).

Rein or Mix and Kummerer are analogous art because they are from, the same field of endeavor, room control systems.

At time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the control signal of Rein or Mix with the radio signal in the 868 MHz band, as taught by Kummerer.

The suggestion/motivation would have been because Kummerer teaches it is good practice to make use of commercially available radio transceiver units which operate preferably at the frequency of 433 MHz, since they have become very moderate in price (Col. 5, lines 10-22).

Or, because all references teach at least one control signal is a radio signal, it would have obvious to one of ordinary skill in the art at the time that the invention was made to substitute at least one control signal that is a radio signal for the other to achieve the predictable result of at least one control signal that is a radio signal in the 868 MHz band.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean P. Shechtman whose telephone number is (571) 272-3754. The examiner can normally be reached on 9:30am-6:00pm, M-F.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P. Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SPS

Sean P. Shechtman



October 28, 2007

10/28/07